

# **PERCHLORATE COMMUNITY ADVISORY GROUP CHARTER AND BYLAWS**

## **I – NAME and AUTHORITY**

- A. NAME: The name of the organization is Perchlorate Community Advisory Group (PCAG).
- B. AUTHORITY: The Central Coast Regional Water Quality Control Board (RWQCB) created the Perchlorate Community Advisory Group (PCAG) to advise the RWQCB on appropriate actions and time-lines regarding immediate, interim and long-term solutions for perchlorate contamination. The PCAG adopted this charter and bylaws on August 28, 2003.
- C. DEFINITIONS:
  - SWRCB = State Water Resources Control Board
  - RWQCB = Central Coast Regional Water Quality Control Board
  - SCVWD = Santa Clara Valley Water District
  - Olin Corporation = responsible party identified by the RWQCB for perchlorate contamination originating from 425 Tennant Avenue, Morgan Hill, CA.
  - Cities = City of Morgan Hill and City of Gilroy.
  - County = County of Santa Clara
  - Agencies = Public agencies, including but not limited to, the RWQCB, SCVWD, Cities, and County, State and Federal.
  - Remediation = Issues and activities designed to clean up the groundwater as well as address the effects of perchlorate contamination.

## **II – MISSION and PURPOSE**

- A. MISSION: The mission of the Perchlorate Community Advisory Group is to advise the RWQCB on the community's preferred strategies related to the remediation of perchlorate contamination. This will be accomplished by acting as a liaison between the community and agencies, disseminating and collating information, and promoting timely multifaceted solutions.
- B. PURPOSE: PCAG is the principal forum where the concerns and issues of the residents of the community discuss and exchange information about the following issues with RWQCB and other agencies:
  - 1. Olin Corporation's clean-up program
  - 2. Perchlorate effects on humans, animals and produce.

### **III – RESPONSIBILITIES**

**A. RESPONSIBILITIES:** The five principal responsibilities of PCAG are:

1. To keep the RWQCB apprised of the Community's specific requests on the Olin case remediation progress as the scientific and environmental findings are revealed.
2. To consider all issues and concerns introduced by PCAG and the general public which address current, future or potential threats to health and the environment, and their impact on the community.
3. To review and evaluate pertinent clean-up documents.
4. To identify and recommend proposed immediate, interim and long-term clean-up requirements.
5. To recommend clean-up project priorities consistent with health and environmental protection.

**B. OTHER RESPONSIBILITIES:**

1. Conduct regular meetings, open to the public, at convenient times and locations.
2. Publish minutes of meetings and make them available to the public through the information repositories and any other means deemed appropriate.
3. Review documents and reports related to the clean-up of perchlorate.
4. Develop, maintain and apply appropriate ground rules and operating procedures to assure open, efficient and productive operation.
5. As necessary, request technical support from the RWQCB and other agencies to ensure PCAG members clearly understand the technical issues involved.

### **IV-MEMBERSHIP**

**A. REPRESENTATIVES:** PCAG shall be comprised of representatives from San Martin, and the cities of Morgan Hill and Gilroy who represent a variety of groups and expertise, such as farming, ranching, medical, real estate, chemistry, geology, equestrian, veterinary, the San Martin Planning Advisory Committee, the San Martin Neighborhood Alliance, Lions Club and specialists with prior contamination committee work. PCAG shall also have duly appointed representation from county, state and/or federal elected officials, plus technical assistance from agencies such as RWQCB, SCVWD, County Health, County Agriculture, West San Martin Water Works, San Martin County Water District and a research team from Oregon State University.

1. Community Members: The number of community PCAG members should be kept large enough to reflect the community's diversity, yet not too large to inhibit management. The term of service shall be 2 years and members can serve more than one term at the discretion of the voting members. Community membership will be limited to persons with no conflict of interest as defined in Section IV.D.
2. Appointed Agency Members: California State Regional Water Quality Control Board, Santa Clara Valley Water District, City of Morgan Hill, City of Gilroy, and representatives of elected officials. Agency members' term of appointment shall be for two years. Members can serve more than one term.
3. Technical Review Committee Members: These members should be representatives of those fields of science that may have an impact on the issue. It may include environmentalists, chemists, water management experts, agricultural scientists and others as required by the direction of the committee. Term of membership shall be as necessary to fulfill the needs of this committee.

B. ADDITIONS, RESIGNATIONS AND TERMINATIONS:

1. Additions:
  - a. Community members may be added at any time provided application for Membership is received by the Chair and reviewed by the Membership Committee. The application, if approved, shall be placed on the agenda for vote at the next meeting. Application for membership is approved in accordance with the RULES on VOTING and MOTIONS Chart per Section VI.E.4.
  - b. Appointed agency members are subject to approval of their agency's authority.
2. Resignations:
  - a. Community members may resign at any time. The member should inform the Chair, preferably in writing. A resigning member may nominate a new member as a replacement to the Chair, who will then follow the procedures described in Section IV. B.1.a.
  - b. Appointed agency members are subject to approval of their agency's authority.
3. Terminations: Regular attendance at PCAG meetings is necessary to ensure ongoing, consistent involvement by committee members. Unjustified absences or inappropriate behavior may be considered cause for termination.
  - a. Community members may be terminated by the following procedure. A Notice of Termination will be prepared and signed by the Chair and sent to the member. A member notified of his/her termination from the PCAG may appeal to the PCAG for continued membership. A vote for continued

membership or termination shall be in accordance with the RULES on VOTING and MOTIONS chart per Section VI.E.4.

- b. Appointed agency members may be placed or removed by the appointing agency's authority. The PCAG Chair shall notify the agency, if needed. The agency will be expected to appropriately address the Chair's concern.

#### C. RESPONSIBILITIES

1. Community Members: The community members of the PCAG represent the most important element of the committee. They have direct responsibility to the interests and concerns of their constituents and to the community as a whole. Their responsibilities are:

- a. Regularly attend PCAG meetings.
- b. Advise and comment on cleanup efforts and perchlorate effects on humans, animals and produce.
- c. Report back to the group(s) they represent
- d. Serve as a conduit of information from the group(s) they represent.
- e. Review and provide comments on document related to the cleanup and perchlorate effects on humans, animals and produce.

2. Agency Members:

- a. Regularly attend PCAG meetings.
- b. Provide to PCAG the rationale of their agency's position regarding the issue under review or discussion by the PCAG or its committees.
- c. Review and provide comments on documents relative to the cleanup and perchlorate effects on humans, animals and produce.
- d. Inform PCAG of applicable legislation and regulations.
- e. Support PCAG in its efforts to fulfill its mission and to provide assistance in such areas, but not limited to, funding, clerical support and expert advice and counsel as needed.

- D. CONFLICT OF INTEREST: PCAG members have a conflict of interest if by discussing, debating, presenting or voting they seek personal financial gain either directly or indirectly. They are expected to use their respective talents and expertise to benefit the community at large as opposed to personal gain. Community members should excuse themselves from any discussion, debate, presentation or vote if they have a conflict of interest as defined above.

## **V – ORGANIZATION**

- A. OFFICERS: The officers of PCAG shall be Chair, Vice-Chair and Secretary.
1. General: The Chair and Vice-Chair shall be Community Members nominated and elected by Community Members. The Secretary can be any member of PCAG. Candidates must be aware of the general duties and responsibilities of each position, be committed to serve as the focal point for community outreach and report to the community as a whole.
  2. Term of Service: The officers shall serve a term of 2 years. Elections will take place in May of each year unless needed beforehand in accordance with the RULES on VOTING and MOTIONS chart per Section VI.E.4. These officers may serve more than one term.
  3. Termination/Recall: The Chair, Vice-Chair and Secretary may terminate his/her elected position for the following reasons: voluntary resignation, inability to carry out his/her responsibilities, or removal from the position by the PCAG membership. The removal process shall be as follows:
    - a. PCAG members shall prepare a written petition to recall the incumbent Chair, Vice-Chair or Secretary; attain a minimum 40% approval of the then current PCAG membership and submit the signed petition for inclusion in the next meeting's agenda.
    - b. At the point of placing on the table the petition for recall, the incumbent in question shall be asked to exit from deliberations. The petition will then be discussed in accordance with the rules described in Section VI.D. On the conclusion of the discussion/debate of the recall, a motion shall be introduced clearly stipulating the recall of the incumbent of the position in question. The vote shall be in accordance with the RULES on VOTING and MOTIONS chart of these bylaws per Section VI.E.4.
  4. Duties of the Chair:
    - a. Organize and direct the procedural operation of PCAG and act as the principal spokesperson on committee reports.
    - b. Prepare and distribute an agenda prior to each general or special PCAG meeting.
    - c. Ensure that information repositories have updated or current documents available.
    - d. Serve as the focal point for community outreach and report back to the the community as a whole.

- e. Ensure that community issues and concerns related to the perchlorate clean-up as well as its effects on humans, animals and produce are included in the PCAG meeting agenda.
  - f. Encourage community members to participate in the PCAG meetings in an open and constructive manner.
  - g. Serve as the principal liaison between the RWQCB and other agencies and PCAG.
  - h. Serve as ex-officio member to all committees.
5. Duties of the Vice-Chair:
- a. Support the Chair as directed by the Chair or by PCAG and generally serve in his/her absence.
  - b. Assist the Chair with specific duties as requested by the Chair.
6. Duties of the Secretary:
- a. Record/produce minutes in a timely fashion and provide copy to the Chair, Vice-Chair and RWQCB member.
  - b. Other duties as determined by the Chair and/or PCAG.
- B. COMMITTEES: The overall duties of the Committees are to support the PCAG in all its efforts, and assist in collecting, identifying, organizing, analyzing and communicating information about the Olin Corporation's clean-up as well as the effect of perchlorate on humans, animals and produce.
- 1. Rules Committee (Approved by PCAG 5/8/2003): The duties of the Rules Committee are to draft a charter and by-laws for PCAG review. Upon approval of the Charter and By-laws, the Rules Committee shall be retained for the purpose of sustaining the principals and provisions of the PCAG By-laws and to prepare amendments for presentation and approval by the PCAG per Section VIII. This Committee will report to PCAG on a regular basis.
  - 2. Special Or Other Committees: Additional committees will be formed and voted on as needed in accordance with RULES on VOTING and MOTIONS chart per Section VI.E.4.
  - 3. Committee Membership: Committee membership shall be on a voluntary basis. Agency personnel may serve as either members or technical advisors to a committee at the request and approval of the PCAG Community Members.
  - 4. Committee Dissolution: If a committee has completed its function and/or PCAG decides it is no longer necessary, a motion may be made to dissolve the committee

in question. The vote shall be in accordance with the RULES on VOTING and MOTIONS per Section VI.E.4.

## **VI – MEETINGS**

- A. GENERAL PCAG MEETINGS (Frequency, Time, and Location): The PCAG will meet on the fourth Thursday of each month, at 7:00 PM at the San Martin Lions Club, located at 12415 Murphy Avenue, San Martin, CA 95046. The PCAG may elect to hold meetings at times and locations different than the normally scheduled period, subject to the approval by a vote of a majority of the PCAG or at the chairperson's request.
- B. SPECIAL FOCUS MEETINGS: Subject to approval of a majority of the PCAG or at the chairperson's request, special focus meetings may be scheduled.
- C. QUORUM: A quorum for the transaction of official PCAG business shall be considered present and in session if a minimum of sixty percent (60%) of the community members are present, rounded to the nearest whole number, and either the chair or vice-chair is present.
- D. MEETING FORMAT: The chairperson shall determine the meeting format, allowing time for the following items, as appropriate:
  - 1. Review meeting procedures (rules, motions, and voting)
  - 2. Identify new PCAG members, if any, and /or technical advisors present.
  - 3. Review Old Business:
    - a. Approval of minutes of the last PCAG meeting.
    - b. Discussion, presentation, or comments on matters, issues, or tasks identified in past PCAG meetings.
  - 4. Open for New Business
  - 5. Discussion/Presentation/Comments
    - a. Comments and/or discussion will normally be accepted on the issue, topic, matter, or subject on the table only, and in the following sequence-members of the PCAG; Technical Advisor(s), if any; and the general public.
    - b. Normally, speaking time will be limited to 3 minutes, per person, per recognized turn, during the comments and/or discussion periods to provide for a fair, open, orderly and productive meeting. Committee reports and technical presentations are exempted.
    - c. Any required motions or voting will be in accordance with the RULES on VOTING and MOTIONS chart per Section VI.E.4. hereinafter referred to as the voting table.

6. Next PCAG meeting date and agenda items (if any).

7. Adjournment

E. VOTING:

1. Procedures—Only one vote is allowed for each PCAG member. Voting on the PCAG's operating procedures will be made by motion and a vote in accordance with the RULES on VOTING and MOTIONS per Section VI.E.4.

2. Rules on Motions—Motions should be clearly stated by a member of the PCAG, and seconded by a different member of the PCAG prior to a vote by either the entire PCAG or the Community members as required by the voting table.

3. Rules on Voting and Motions (Voting Table)

Issue	Who Votes	Required Number of Votes
Adjourn	PCAG*	Majority
Bylaws (approval)	PCAG	2/3
Bylaws (amending)	PCAG	2/3
Cleanup Issues (Advice)	Community**	Majority
Chair, Vice-Chair, Secretary (elect)	PCAG	Majority
Chair, Vice-Chair, Secretary (recall)	PCAG	2/3
Membership (new/continued)	Community	2/3
Membership (terminated)	Community	2/3
Motion (amend and accepted)	PCAG	Majority
Minutes (approval)	PCAG	Majority
Quorum	Community	60%+
Committee (to form)	Community	Majority
Committee (to dissolve)	Community	Majority

\*PCAG = All members in attendance at the meeting.

\*\* Community = All community members in attendance at the meeting.

F. RULES OF ORDER: Meetings will generally be informal. However, the Chair may elect to invoke or revoke Robert's Rules of Order as necessary. The voting members of the PCAG can override the Chair's decision by a vote in accordance with the voting table above.

G. AGENDA: The agenda for each PCAG meeting will be prepared/distributed by the Chair prior to the meeting. The Chair should solicit input from PCAG on items and issues for presentation, discussion, review and comment for inclusion in the agenda of upcoming meetings. An agenda will be prepared for each General and Special Focus Meeting of the PCAG.

H. MINUTES: Minutes of PCAG meetings will be prepared by the PCAG Secretary. Minutes will include a summary of motions, discussion/debate and voting procedural and



initiative matters. Copies of the minutes will be provided to each PCAG member prior to each meeting.

## **VII-PUBLIC PARTICIPATION**

- A. General: Public participation is a vital component of the mission of PCAG. Community members and public participants bring together the diverse interests within the community, enabling the early and continued flow of information between the community, RWQCB, and other agencies. The RWQCB remains responsible for keeping the community involved and informed on Olin's environmental cleanup efforts and perchlorate effects on humans, animals and produce.
- B. Communication: The PCAG, its committees, sub-committees and individual members shall assist the RWQCB in implementing communication techniques.

## **IX-Amendments**

- A. GENERAL: Amendments to the CHARTER and BY-LAWS shall be made in accordance with the RULES on VOTING and MOTIONS per Section VI.E.4).
- B. PROCEDURE: Proposed amendments shall be referred to the Rules Committee for drafting the amendment proposal and submitting it to the PCAG Chair for endorsement. The Chair shall either:
  - 1. Send the draft proposal back to the Rules Committee with recommendations.
  - 2. Present to PCAG for discussion and possible additions or deletions.
  - 3. Introduce the amendment in the form of a motion to approve.

Following discussion, motion and second, the amended form would be taken to a vote according to the RULES on VOTING and MOTIONS Chart per Section VI.E.4.